

REMARKS

A prior Notice of Non-compliant Amendment was mailed on February 20, 2009, where Examiner asserted that Applicants' Amendment, filed on July 23, 2008, was non-compliant because each of the claims were not provided with the proper status identifier. Applicants filed a Response on March 10, 2009, asserting that claims 1 through 12 were believed to be properly identified and asked Examiner to specify what claims in Examiner's opinion were not properly identified. Examiner responded in the present Notice, clarifying that claim 1 was in error as it contained the status identifier "currently amended," but in Examiner's view the claim had not been changed.

Applicants resubmit in the present Response a listing of pending claims 1-12 demonstrating the amendment to claim 1. Specifically, the term "or moieties" has been deleted from claim 1. A similar amendment has also been made to claim 6 herewith, which depends from claim 1, to place the claim in better form.

Applicants specifically note the amendment to claim 1 on page 6 of the Amendment filed on July 23, 2008. In response to Examiner's rejection of claims 1-4 and 6-12 under 35 U.S.C. § 112, Applicants state,

"Examiner will note that claim 1 is now amended to remove the term "moieties" therefrom. Applicants believe that amending claim 1 in this way addresses the Examiner's § 112 concern."

The deletion of the term, "or moieties" in claim 1 is demonstrated by appropriate strikethrough edits in the presently recited claims, as well as the Applicants' file copy of the Amendment filed on July 23, 2008. Unfortunately, the same strikethrough edits are not visible on the image file of the Amendment accessible through PAIR. Nevertheless, Applicants respectfully submit that the status identifier of claim 1 correctly reflects the "currently amended" status of the claim.

Accordingly, Applicants submit that the pending claims are in proper form and are in condition for allowance and Examiner is courteously solicited to pass this application on to allowance.

Applicants do not believe that a fee is due with this response. However, if the Examiner determines that additional fees are due, the Commissioner is hereby authorized to charge any such additional fees, or credit any overpayment, to Account No. 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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